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December 19, 2024

**Via CM/ECF Filing**

Hon. Gabriel W. Gorenstein  
U.S.M.J.  
United States District Court, Southern District  
of New York  
500 Pearl Street  
New York New York 10007

Re: *Jimenez-Fogarty v. Fogarty, et al.*  
Case No.: 1:24-CV-08705-JLR

Dear Judge Gorenstein:

This firm was recently retained to represent Defendant, Thomas Fogarty, in the above-referenced case, which case was just referred to Your Honor by the Honorable Judge Jennifer L. Rochon. (*See* ECF No. 16 (Notice of Appearance of Counsel, Brian L. Gardner, dated December 12, 2024); ECF No. 25 (Notice of Appearance of Counsel, Courtney G. Hindin, dated December 18, 2024); ECF No. 26 (Dec. 19, 2024 Order Referring Case to Magistrate Judge)). In accordance with Rule 1.E. of Your Honor's Individuals Practices, we submit this letter motion to respectfully request an extension of time to move, answer, or otherwise respond to Plaintiff's Complaint on behalf of Mr. Fogarty.

We understand that Mr. Fogarty was served with a copy of the Summons and Complaint in this matter on or about November 18, 2024. We also have reviewed the pending motion to dismiss filed by certain co-Defendants, as well as the lengthy Complaint and related Court Orders and filings on the docket. Based on the date of service of the Summons and Complaint, pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Mr. Fogarty's responsive pleading was due on Monday, December 9, 2024. Given our recent retention to represent Mr. Fogarty in this case, we respectfully request an additional twenty (29) days from today to file a responsive pleading on his behalf, making the new response deadline Friday, January 17, 2025.

This is Mr. Fogarty's first request for an extension of time in this case. On Wednesday, December 18, 2024, my colleague, Ms. Hindin, contacted Plaintiff (who is appearing *pro se*) via email to request her consent to the above-described extension. As of the filing of this letter motion, we have not received any response from Plaintiff.

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In sum, we respectfully request that Your Honor grant the requested extension and set a deadline of January 17, 2025, for Mr. Fogarty's responsive pleading. As always, we thank the Court for its time and attention to this matter.

Respectfully submitted,

*/s/ Brian L. Gardner*

Brian L. Gardner

BLG:mjm